**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 15732 of 2007**

**DATE: 24-07-2007**

Between :

J.Prasanna

… Petitioner

And

The Joint Collector,
Chittoor,
Chittoor District and 2 others.

… Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 15732 of 2007**

**ORDER:**

Aggrieved by the appointment of the third respondent herein as authorized dealer of the fair price shop of Magandlapalle village by order, dated 13-06-2007, the petitioner preferred an appeal before the first respondent along with an application for stay. The first respondent though entertained the appeal and called for the records and remarks of the Revenue Divisional Officer did not pass any order on the petitioner's application for stay. Aggrieved by the said action of the first respondent, this writ petition is filed contending that since the order dated 13-06-2007 was ex-facie arbitrary and illegal, the first respondent ought to have stayed the operation of the said order pending the appeal.

Since the statutory appeal is pending before the first respondent, I am not inclined to express any opinion as to the validity or otherwise of the appointment of the third respondent as the fair price shop dealer. It is a matter for enquiry by the first respondent–appellate authority after giving due opportunity to both the parties while deciding the appeal pending on his file. So far as the interim order pending the appeal is concerned, the material on record shows that the first respondent has called for the remarks of the appointing authority by proceedings dated 18-07-2007. Hence, it is always open to the first respondent to consider the facts and circumstances of the case and pass appropriate orders in the interest of justice.

Accordingly, while leaving it open to the first respondent to consider the petitioner's application for stay pending the appeal, the

writ petition is disposed of with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date:24-07-2007

Note: Issue C.C. in three days.

B/o

KLP